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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/736,021	12/15/2003	Nathaniel Lee		4163
7590 07/11/2005			EXAMINER	
Gregory M. Friedlander Gregory M. Friedlander & Associates, P. C. 11 South Florida Street Mobile, AL 36606-1934			COLLADO, CYNTHIA FRANCISCA	
			ART UNIT	PAPER NUMBER
			3618	
			DATE MAILED: 07/11/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Application No.   10/736,021   LEE, NATHANIEL	Office Action Summary    Application No.   Applicant(s)   LEE, NATHANIEL	•	<b>%</b> )	
Examiner Cynthia F. Collado 3618  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estensions of time may be waitable under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (b) MONTHS from the mailing date of this communication.  If the period for reply is specified above, the maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication.  Failute to reply specified above, the maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication.  Failute to reply whigh the set of extended period for reply will, by the considered timely.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication.  Failute to reply which the set of extended period for reply will, by takine, cause the application to become ABANDONED (30 LSC § 133).  Any reply received by the Office late may not requested the maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication, even if timely filed, may reduce any earner particular them adjustment. Set 97 CFR 1.74(b).  Status  1) Responsive to communication(s) filed on 15 December 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 [s/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-20 [s/are objected to by the Examiner.  Claim(s) 1-20 [s/are objected to by the Examiner.  Application Papers  9) The specification	Examiner Cynthia F. Collado 3818  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Deteriors of time may be available under the positions of 37 CFR 1.135(a). In no event, however, may a reply be timely filled If the spends the reply specified above, the maximum statutory period will apply and will expire SK (8) MONTH'S from the mailing state of this communication.  If the open for reply is specified above, the maximum statutory period will apply and will expire SK (8) MONTH'S from the mailing state of this communication.  Any reply secured by the Office sites than their gromeries after the mailing date of this communication, even if timely filled, may reduce any carried patent term adjustment. See 37 CFR 1.734(b).  Status  1)  Responsive to communication(s) filled on 15 December 2002  2a)  This action is FINAL.  2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  (b)  Claim(s) is/are allowed.  (c)  Claim(s) is/are allowed.  (c)  Claim(s) is/are rejected.  7)  Claim(s) is/are rejected to.  8)  Claim(s) 1-20 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  Application Papers  9)  The specification is objected to by the Examiner.  Application Papers  10)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3)  Claim(s)  Solution of the priority documents have been received.  2  Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Ru			Applicant(s)
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  - Stensions of line may be suitable under the provisions of 37 CFR 1 136(a). In no event, however, may a reply be timely filed series \( \text{Sign} \) (MONTHS from the mailing date of this communication.  - If the period for reply specified above, the maximum statutory writin the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply specified above, the maximum statutory period will apply writin the statutory minimum of thirty (30) days will be considered timely.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  - Status  - This action is FINAL.  - 2b) This action is non-final.  - 3) Is since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  - Disposition of Claims  - 4) Claim(s) 1-20 is/are pending in the application.  - 4a) Of the above claim(s) is/are allowed.  - 6) Claim(s) is/are allowed.  - 6) Claim(s) is/are allowed.  - 6) Claim(s) is/are allowed.  - 7) Claim(s) is/are objected to.  - 8) Claim(s) 1-20 are subject to restriction and/or election requirement.  - Application Papers  - 9) The specification is objected to by the Examiner.  - 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  - 11) The oath or declaration is objected to by the Examiner. Note the attached Office A	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exemitors of time may be available, under the provisions of 37 CFR 1.136(a), fin no event, however, may a reply be timely filed  - Exemitors of time may be available, under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filed  - Exemitors of time may be available, under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filed  - If NO period for reply a specified above, the maximum statutory period will apply and will expire SIX (5) MONTES from the control and apply and will expire SIX (5) MONTES from the mailing date of this communication of the provision of the mailing date of the communication, even if timely filed, may reduce any example patent term adjustment. Sen 37 CFR 1.704(b).  - Status  - In NO period for reply a specified above, the maximum statutory period will apply and will expire SIX (5) MONTES from the mailing date of the communication, even if timely filed, may reduce any example patent term adjustment. Sen 37 CFR 1.704(b).  - Status  - In No.  - Responsive to communication(s) filed on 15 December 2003.  - 20 This action is FINAL.  - 20 This action is non-final.  - 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  - Disposition of Claims  - 4) Claim(s) 1-20 is/are pending in the application.  - 4a) Of the above claim(s) is safare withdrawn from consideration.  - 5 Claim(s) is/are allowed.  - 6 Claim(s) is/are allowed.  - 7 Claim(s) is/are are piected.  - 7 Claim(s) is/are objected to by the Examiner.  - Application Papers  - 9 The favoring(s) filed on is/are explication and/or election requirement.  - Application Papers  - 9 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  - Application Papers  - 9 The drawing(s) filed on is/are: a) accepte			<u> </u>
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Application/Control Number: 10/736,021

Art Unit: 3618

#### **DETAILED ACTION**

### Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

The species are as follows:

Species I - 2 wheeled garbage can with 2 legs (figure 1-6)

Species II - 1 wheeled garbage can with 2 legs (figure 8)

Species III - Alternate garbage can wheelbarrow design (figure 11)

Species IV - Second alternate garbage can wheelbarrow design (figure 12)

Species V - 3<sup>rd</sup> alternate garbage can wheelbarrow design (figure 13)

Species VI - 4<sup>th</sup> alternate design (figure 14)

## Category A-wheel locking mechanism

Species I - Locking mechanism (figure 7)

Species II – Locking mechanism (figure 10 and 9)

### Category B-Wheel brace for scooping leaves

Species I – No brace

Species II – Brace (figures 15,16,17,18)

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, None are generic.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CFC 6/18/00